



PUBLIC NOTICE

Federal Communications Commission
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DA 14-1408

Released: September 29, 2014

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HUDSON FIBER NETWORK, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-160

Comments Due: October 14, 2014

Reply Comments Due: October 20, 2014

On September 22, 2014, Hudson Fiber Network, Inc. (Hudson Fiber) and Hudson Fiber Holdings, Inc. (Holdings) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Hudson Fiber to Holdings.¹

Hudson Fiber, a New Jersey corporation, provides competitive telecommunications services in California, Connecticut, Illinois, Massachusetts, Michigan, New York, New Jersey, Pennsylvania, and Texas. Applicants state that Holdings, a Delaware corporation, does not provide telecommunications services and has no affiliates that provide telecommunications services. Holdings is a wholly-owned subsidiary of Tiger Infrastructure Partners Fund LP (Tiger), a Delaware limited partnership. Applicants state that the post-closing ownership of Holdings will be as follows: Tiger (60 percent), Brett Diamond (U.S. citizenship, 18 percent), Keith Muller (U.S. citizenship, 18 percent), and Ande Hornig (U.S. citizenship, 4 percent). Applicants state that control of Tiger is held by its sole general partner, Tiger Infrastructure Associates GP LP, which is controlled by its sole general partner, Emil Henry IV LLC (TigerLLC), a Delaware limited liability company. The managing member and 100 percent owner of TigerLLC is Emil W. Henry, Jr., a U.S. citizen. Applicants state that the following entities are limited partners in Tiger and will have a greater than 10 percent indirect interest in Hudson, although as limited partners they exercise no control: CAT Holding LLC, a Delaware limited liability company (61.73 percent limited partnership interest in Tiger) and Kiewit Infrastructure Co., a Delaware corporation (17.64 percent limited partnership interest in Tiger).²

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on September 26, 2014.

² Applicants state that CAT Holding LLC is 99% owned by a family trust, which is a Florida entity, and that there is no person involved in the trust controlling more than a 10% indirect interest in Hudson Fiber. Applicants further state that Kiewit Infrastructure Co. is 100% owned by Kiewit Infrastructure Group Inc., which is 100% owned by Kiewit Corporation. Kiewit Corporation is 100% owned by Peter Kiewit Sons', Inc., of which no owner has more than a 10% indirect interest in Hudson Fiber. All entities are U.S.-based.

Pursuant to the terms of the proposed transaction, Holdings will acquire 100 percent of the ownership interests in Hudson Fiber. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Application Filed for the Transfer of Control of Hudson Fiber Network, Inc., WC Docket No. 14-160 (filed Sept. 22, 2014).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before October 14, 2014**, and reply comments **on or before October 20, 2014**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, Jodie.may@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them

³ 47 C.F.R. § 63.03(b)(1)(ii).

in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information, please contact Tracey Wilson at (202) 418-1394 or Jodie May at (202) 418-0913.

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